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## Is Freedom Inalienable?

If not, it will be alienated, and ultimately destroyed. That is the paramount issue of the Victor Marchetti censorship case. [See Marchetti's "The CIA: The President's Loyal Tool"; *The Nation*, April 3.]

Marchetti, now 42, graduated from Pennsylvania State University in 1955 with a degree in Russian studies and history. He was recruited for the CIA by a professor, who, interestingly enough, was secretly on the agency's payroll as a talent scout. In time, Marchetti was promoted to the CIA executive staff and served finally as executive assistant to Adm. Rufus L. Taylor, deputy director from 1966 to 1969. Marchetti was with the agency for fourteen years, resigning in the same year as did Admiral Taylor. Obviously, Marchetti knows a lot about the CIA—that is part of the trouble.

He was well thought of by his colleagues. Richard Helms, CIA director, presented him with an autographed picture inscribed, "To Vic—With appreciation for his support." But the longer Marchetti served the CIA the less he appreciated it and its work. Among his reasons for leaving he cites "the clandestine attitude, the amorality of it all, the cold-war mentality—these kinds of things made me feel that the agency was really out of step with the times." And: "It's one of my strong beliefs that the CIA has to be more tightly overviewed by Congress. As it is now, the agency operates almost exclusively under the authority of the President." Thus the CIA is one of the factors in the subordination of the legislative branch to the executive. For that matter, once it is let loose on a project, the agency is subordinate to the executive itself only in a very loose sense. As everyone now knows, it is carrying on a war in Laos at a cost of roughly \$500 million a year, using tribesmen as mercenaries and running its own airlines, etc. In the Kansas City area it maintains an arsenal, with a "huge inventory" of weapons for its foreign operations; it has bases for training and other purposes elsewhere in the United States.

The Marchetti case assumes constitutional importance because Mr. Marchetti, when he joined the CIA, signed the usual agreement not to write or talk about the agency's activities even after he left it. Marchetti came to the attention of *The Nation* when he wrote a spy novel, *The Rope Dancer*, which had apparent reference to the CIA. Since this was in fictional form it does not appear to have agitated the CIA management; nor did *The Nation* article which, together with some interviews Marchetti gave to newspapers, was read by Admiral Taylor, who had some reservations about accuracy but concluded that there was nothing damaging in any of the material. But when Marchetti contracted with Alfred A. Knopf to write a non-fiction book about the CIA, the government got into action. Although Marchetti is willing to have the CIA review the book for classified material, the government went before U.S. District Judge Albert V. Bryan, Jr. in Alexandria, Va., and obtained a temporary restraining order prohibiting Marchetti from writing the book for Knopf—a book of which he has not yet set down a single line. The American Civil Liberties Union is trying to get the restraining order dissolved, so far without success.

The question raised by the action on behalf of the gov-

ernment is whether a citizen can agree to waive his freedom of conscience, of thought, of moral sentiment in the manner prescribed by the CIA. The case dramatizes the fact that the CIA is essentially an alien institution—alien to American custom, alien to the Constitution, and incompatible with both the forms and the spirit of democracy. In our view, Marchetti not only has the right but the moral obligation to write his book, just as it was his moral obligation to write the article commissioned by *The Nation*.

A ruling to that effect by the federal courts would not impose an unreasonable limitation on the proper and lawful activities of the CIA, or any other agency. It can set up rules, office policies, and normal administrative means of enforcement, but it cannot compel a former employee to waive his freedom to say or write what he sees fit, once his employment is terminated. If an agency of the government deems something that has been published to be in violation of law, it may proceed against the author and publisher, but pre-censorship is repugnant to American institutions.

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